

House State & Local Government Committee Amendment No. 1

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 376*

House Bill No. 599

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 8-8-102, is amended by adding the following at the end of subsection (a):

The requirements of subsection (a) of this section shall apply to any person who holds the office of sheriff on the effective date of this act and shall apply for as long as the person remains in continuous service in the office of sheriff. Once this continuous service has been concluded, the person shall meet the requirements of subsection (b) of this section in order to qualify for any subsequent election or appointment to the office of sheriff.

Section 2. Tennessee Code Annotated, Section 8-8-102, is amended by deleting Subsection (b) in its entirety and by substituting instead the following:

(b) To qualify for election or appointment to the office of sheriff a person shall:

- (1) Be a citizen of the United States;
- (2) Be at least twenty-five (25) years of age prior to the date of qualifying for election;
- (3) Be a qualified voter of the county;
- (4) Have obtained a high school diploma or its equivalent in educational training as recognized by the Tennessee state board of education;
- (5) Not have been convicted of or pleaded guilty to or entered a plea of nolo contendere to any felony charge or any violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor or

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controlled substances; a misdemeanor crime of domestic violence; or placed under an order of protection from any court;

(6) Be fingerprinted and have the Tennessee Bureau of Investigation make a search of local, state and federal fingerprint files for any criminal record. Fingerprints are to be taken under the direction of the Tennessee Bureau of Investigation. It shall be the responsibility of the T.B.I. to forward all criminal history results to the POST Commission for evaluation of qualifications;

(7) Not have been released or discharged from the armed forces of the United States with any discharge other than an honorable discharge;

(8) Have been certified by a qualified professional in the psychiatric or psychological fields to be free of all apparent mental disorder as described in the Diagnostic and Statistical Manual of Mental Disorders, Third Edition (DSM III) or its successor, of the American Psychiatric Association; and

(9) Possess a current and valid peace officer certification as issued by the Tennessee Peace Officer Standards and Training Commission as provided in Section 38-8-107, as defined in Chapter 8 of Title 38, within twelve (12) months prior to the close of qualification for the election for the office of sheriff.

In the event that certification for peace officer is inactive or no longer valid, proof of the intent to run for the office of sheriff shall be presented to the POST commission for approval to take the POST certification examination,

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provided all requirements are met as set forth in subdivisions (1) through (8) of this subsection and those set by the commission.

The provisions of this subdivision shall not apply in any county having a metropolitan form of government where the sheriff does not have law enforcement powers.

(10) The provisions of this subsection shall not apply to any person who holds the office of sheriff on the effective date of this act. The provisions of this subsection shall only apply to persons elected or appointed to a first term to the office of sheriff after the effective date of this act and shall apply for so long as such persons remain in continuous service in the office of sheriff.

(c) Any person seeking the office of sheriff shall file with the Peace Officer Standards and Training Commission, either prior to the qualification deadline for such office, or after filing the qualifying petition for such office, an affidavit sworn to and signed by the candidate affirming that the candidate meets the requirements of this section. If such affidavit is not filed with the POST commission by the withdrawal deadline for the office of sheriff, such candidate's name shall not be placed on the ballot. The Peace Officer Standards and Training Commission shall verify POST certification on any person seeking the office of sheriff who meets these provisions. The original notarized verification form from POST, along with such person's nominating petition shall be filed with the county election commission. In the event that a person seeks election

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to the office of sheriff by the county legislative body to fill a vacancy in office, such verification must be filed with the county clerk prior to the election.

(d)(1) Every sheriff who is elected or appointed to a first term after the effective date of this act shall be required to complete a training session of no less than forty (40) hours in his or her first term. This training course shall be taught at the Tennessee Law Enforcement Training Academy. The curriculum shall be developed by the Tennessee Sheriff's Association and approved by the Tennessee Peace Officer Standards and Training Commission. Any such sheriff who does not fulfill the obligations of this training session shall lose his or her powers of arrest.

Thereafter, these sheriffs shall annually attend a forty (40) hour in-service training course appropriate for their rank and responsibilities.

(2) Every person who holds the office of sheriff on the effective date of this act shall annually attend a forty (40) hour in-service training course appropriate for their rank and responsibilities.

Section 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 4. The provisions of this act shall take effect upon becoming a law, the public welfare requiring it.

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